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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Invensys Systems, Inc.
Serial No. : 10/680,411
Filed : October 8, 2003
Title : SERVICES PORTAL

Art Unit : Unknown
Examiner : Unknown

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.47(a)

This is a petition for leave to perfect the filing of this application by eight joint inventors where one of the inventors has not executed the inventor's declaration despite repeated attempts to get him to sign.

This patent application ("the application") was filed October 8, 2003, in the names of Fred Sanford, Robert Bather, Martin Culverhouse, Walter Sikora, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr. The combined inventors' declaration and power of attorney document ("the declaration") filed with this petition was signed by Fred Sanford, Robert Bather, Martin Culverhouse, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr. However, the declaration was not signed by Walter Sikora. The declaration made by Fred Sanford, Robert Bather, Martin Culverhouse, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr is made on their own behalf and on behalf of Walter Sikora in accordance with 37 C.F.R. §1.47(a).

A Statement of Facts (with Exhibits) supporting a determination that Walter Sikora has refused to sign is being filed with this Petition.

The non-signing inventor's last known address is:

Walter Sikora
19 Glen Eagle Circle
Attleboro, MA 02703

Applicant : Invensys Systems, Inc.
Serial No. : 10/680,411
Filed : October 8, 2003
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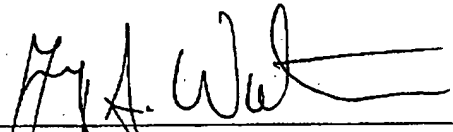
Attorney's Docket No.: 12780-023001 / 02,003

A check in the amount of \$130.00 for the required fee under 37 C.F.R. §1.17(h) accompanies this petition. Please apply any other charges or credits to Deposit Account No. 06-1050.

In view of the foregoing, and the attached statement of facts, it is submitted that this application satisfies the requirements of 37 C.F.R. §1.47(a) and should be considered duly made and granted the status of a duly filed application as of the original filing date stated above.

Respectfully submitted,

Date: JUNE 2, 2004



Gregory A. Walters
Reg. No. 41,366

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331



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STATEMENT OF FACTS SUPPORTING PETITION
UNDER 37 C.F.R. §1.47(a)
STATEMENT OF GREGORY A. WALTERS

I, Gregory A. Walters, declare as follows:

I am a Principal in the law firm of FISH & RICHARDSON P.C. and an attorney/agent of record in the above matter.

The above-referenced patent application ("the application") was filed October 8, 2003, in the names of Fred Sanford, Robert Bather, Martin Culverhouse, Walter Sikora, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr. The combined inventors' declaration and power of attorney document ("the declaration") filed with this petition was signed by Fred Sanford, Robert Bather, Martin Culverhouse, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr. The declaration made by Fred Sanford, Robert Bather, Martin Culverhouse, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr is made on their own behalf and on behalf of Walter Sikora in accordance with 37 C.F.R. §1.47(a).

All attempts to have Walter Sikora sign the declaration have failed, constituting a refusal by this inventor to sign under 37 C.F.R. §1.47(a). This statement details the diligent efforts made to contact Walter Sikora and to obtain an executed declaration document. Supporting documentation mentioned in this statement is attached as Exhibits.

The first two attempts to contact Mr. Sikora were via email messages dated April 13, 2004, and April 30, 2004 sent to Mr. Sikora by Michelle Banks, an administrative assistant employed by Invensys Systems, Inc. of Foxboro, MA; the owner of the rights to the invention. Mr. Sikora did not respond to these email messages. No delivery errors for failure to deliver these messages were received by Ms. Banks, indicating that they were received by Mr. Sikora but not answered.

Applicant : Invensys Systems, Inc.
Serial No. : 10/680,411
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Attorney's Docket No.: 12780-023001 / 02,003.

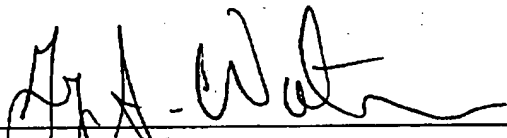
The second attempted contact was a series of phone calls placed by me to Mr. Sikora on May 10 and 11, 2004. Mr. Sikora was not personally reachable and messages left by voice mail were not returned.

On May 11, 2004, a letter with a copy of the patent application and declaration was sent to Mr. Sikora via FedEx. (See Exhibit A). The documents were received at Mr. Sikora's last known address the following day and were signed for by P. Sikora. (See Exhibit B). The letter sets a specific deadline of May 18, 2004 for returning the documents in a pre-addressed, prepaid FedEx envelope. The letter states that if the document is not signed and returned by the deadline we would deem it a refusal by Mr. Sikora to execute the declaration, and that this could possibly affect his legal rights. This letter placed Mr. Sikora on notice that inaction would be deemed a refusal to execute the declaration. We have waited well beyond the deadline set forth in this letter and have not received any written correspondence or other communication from Mr. Sikora. As such, by refusing to respond within a reasonable time period, Mr. Sikora has accepted our interpretation of his inaction as a refusal to execute the declaration.

In summary, we have diligently attempted to obtain Mr. Sikora's signature on the declaration for the above-referenced patent application and his actions in not signing constitute a refusal to sign under 37 C.F.R. §1.47(a). Due to this refusal we are filing this statement of facts in support of the Petition under 37 C.F.R. §1.47(a). We respectfully request that our petition be granted.

Respectfully submitted,

Date: JUNE 2, 2004



Gregory A. Walters
Reg. No. 41,366

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Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951



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VIA FEDEX

May 11, 2004

Walter Sikora
19 Glen Eagle Circle
Attleboro, MA 02703



Re: SERVICES PORTAL

Applicant:	Invensys Systems, Inc.
Application No.:	10/680,411
Filing Date:	October 8, 2003
Country:	United States
Your Ref.:	02,003
Our Ref.:	12780-023001

Dear Mr. Sikora:

We represent Invensys Systems, Inc. in the above-referenced patent matter. Invensys has asked me to contact you to request your prompt cooperation with executing documents relating to this patent application.

Enclosed for your signature are copies of a Declaration, General Power of Attorney and an Assignment for the above-referenced pending patent case. Also enclosed is a copy of the application and figures as filed. We have received executed documents from all of the other co-inventors.

Please sign where indicated and fill in any missing information and return the executed Declaration and Assignment to us by **May 18, 2004** in the enclosed self-addressed prepaid Federal Express envelope. It is important that the Assignment be countersigned below your signature by a witness. These documents are needed for us to proceed with examination of the patent application.

We have e-mailed these documents to you multiple times in the past and have not received executed documents in response. If you fail to return the documents properly executed, we will be forced to consider this failure as a deliberate refusal to sign.

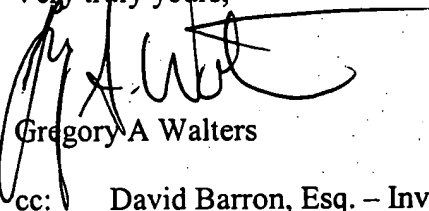
EXHIBIT A

FISH & RICHARDSON P.C.

Walter Sikora
May 11, 2004
Page 2

We thank you in advance and appreciate your cooperation. Please feel free to contact me with any questions.

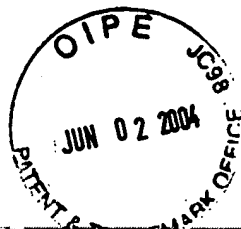
Very truly yours,

A handwritten signature in black ink, appearing to read 'Gregory A. Walters', with a long horizontal flourish extending to the right.

Gregory A Walters

cc: David Barron, Esq. – Invensys Systems, Inc.

40217147.doc

[Ship](#) [Track/History](#) [Address Book](#) [Preferences](#) [Fast Ship](#) [Reports](#)[<< Log out](#) [Home](#)[? Quick help](#)

Shipment Details

Ship To:	Walter Sikora 19 Glen Eagle Circle Attleboro, MA 02703 US 5083373300	Package type: Pickup/Drop Off Total Weight: Declared Value: Courtesy Rate Quote*:	FedEx Envelope will use scheduled pickup 1 LBS 0 USD *7.07
From:	Gregory A. Walters FISH AND RICHARDSON 1425 K Street, NW 11th Floor Washington, DC 20005 US 2026266406	Special Services Shipment type:	Signature Required Express
Tracking Number:	790145151856		
Your reference	12780-023001		
Ship date:	May 11 2004		
Service type:	Standard Overnight		

[Print](#)[Return to History](#) [Track shipment](#)

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EXHIBIT B



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Track Shipments
Detailed Results

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Tracking number 790145151856
Signed for by P.SIKORA
Ship date May 11, 2004
Delivery date/Time May 12, 2004 1:56 pm

Reference number 12780-023001
Delivery location ATTLEBORO MA
Service type Standard Envelope

Signature Proof of Delivery

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Date/Time	Status	Location	Comments
May 12, 2004 1:56 pm	Delivered	ATTLEBORO MA	

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